

REMARKS

I. Status of the Claims

Claims 16, 18-25 and 27-33 are pending and currently under consideration in the present application. Claims 1-15, 17, and 26 were previously cancelled.

II. Indefiniteness Rejection under 35 U.S.C. § 112, second paragraph

The Office rejects claims 15, 18-25 and 27-33 as allegedly indefinite. Specifically, the Office alleges that claims 16 and 18-24 are vague and indefinite in the recitation of "a 40 kD subunit" while claims 25 and 27-33 are vague and indefinite in the recitation of "a 30 kD subunit." Office Action, 02/08/2006, p. 2.

Applicants have amended independent claims 16 and 25 to recite "the 40 kD subunit" and "the 35 kD subunit," respectively. In light of these amendments, Applicants respectfully assert that the subject matter of claims 15, 18-25 and 27-33 is not indefinite, and request that the rejection of these claims be withdrawn.

III. Double Patenting Rejection

The Office rejects claims 16, 18-22 and 27-31 as allegedly unpatentable over claims 16 and 22 of U.S. Patent Application Serial No. 09/512,701, now issued as U.S. Patent No. 6,830,751. According to the Office, the conflicting claims "are not patentably distinct from each other because both applications claim a method of administering to a subject a therapeutically effective amount of an antibody that binds a 40 kD subunit of IL-12 or 35 kD subunit of IL-12 for the purpose of treating an autoimmune condition." Office Action, 02/08/2006, p. 3.

Applicants enclose a terminal disclaimer to overcome the rejection.

CONCLUSION

In view of the foregoing remarks and amendments, Applicants respectfully request the Examiner's reconsideration and the timely allowance of all pending claims as amended.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 8, 2006

By: James P. Kastenmayer
James P. Kastenmayer
Reg. No. 51,862